

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARI DANIEL, individually and as the Personal Representative of the Estate of MELVIN DANIEL; and, as Guardian for the minor children, M.A. Daniel, DOB 6/13/90, and B.A. Daniel, DOB 6/28/93; and, MARI DANIEL, as the Personal Representative of the Estate of FRED RAMISKEY.

## Plaintiffs,

V.

THE COLEMAN COMPANY, INC., a  
Delaware corporation,

Defendant.

No. 06-5706 KLS

**ORDER DENYING PLAINTIFFS'  
MOTION TO AMEND COMPLAINT**

This matter comes on before the Court on Plaintiffs' Motion for Leave to Amend Complaint to Add Jarden Corporation as Defendant. (Dkt. #45 and 46). The Defendant has replied (Dkt. #49) and the Plaintiffs' have responded (Dkts. #52 and 53).

The Plaintiffs' incorrectly rely on Fed. R. Civ. P. 15(a) in support of their motion. As the Defendant points out, since the motion was filed after the deadline for joining other parties, the motion must be considered pursuant to Fed. R. Civ. P. 16(b) which requires a showing of good cause for delay.

Counsel for Plaintiffs filed the exact same motion in *Ongpituk v. The Coleman Company* which is filed in the Western District of Washington in Seattle under CR06-1779TSZ. This motion was filed on

1 May 15, 2007, the cut off date set by Judge Zilly for purposes of adding additional parties.

2 By way of contract, the motion in this matter was not filed until August 16, 2007. The cut off date  
3 for joining additional parties, in the applicable scheduling order, is July 20, 2007. Plaintiffs counsel has  
4 provided no reason as to why the motion was filed after the cut off date. They have shown no good cause  
5 for delay.

6 In addition, the proposed Amended Complaint, attached to the Declaration of Jeffery Campiche  
7 (Dkt. #46) does not allege that the proposed additional party, Jarden Corporation, is either a manufacturer  
8 or a supplier of the product. There are also no allegations contained the proposed Amended Complaint  
9 that would provide a basis for piercing the corporate veil.

10 For all the above reasons, the Plaintiffs Motion for Leave to Amend Complaint to Add Jarden  
11 Corporation as Defendant (Dkt. #49) is **DENIED**.

12 DATED this 7<sup>th</sup> day of September, 2007.

13  
14 /s/ Karen L. Strombom  
15 Karen L. Strombom  
16 U.S. Magistrate Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28